

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

SHAVONTAE DANIELS,

Plaintiff,

v.

Case No. 18-CV-1575

**CAPTAIN TRITT AND
C.O. SMELCER,**

Defendants.

ORDER

Plaintiff Shavontae Daniels, a state prisoner who is representing himself, is proceeding with a 42 U.S.C. § 1983 lawsuit against defendants Captain Tritt and C.O. Smelcer based on allegations that they failed to respond appropriately to his threats of self-harm. The defendants filed a motion for summary judgment on the ground that Daniels failed to exhaust administrative remedies as required by the Prisoner Litigation Reform Act (PLRA). 42 U.S.C. § 1997e(a). Daniels filed a motion asking to suspend the deadline to respond to the defendants' motion because he claims the defendants submitted confidential documents to the court without his permission and should be held accountable.

Because Daniels has already filed a response to the defendants' motion, the court will deny his motion as moot. To the extent Daniels seeks to "hold the defendants accountable" for what he claims is their impermissible use of

confidential records, his motion is without merit. The defendants filed the following documents in support of their motion: a list of Daniels's inmate complaints; copies of relevant inmate complaints; copies of relevant decisions on those complaints; and incident reports. They also submitted a picture of Daniels's arm. None of these documents is confidential. Wis. Admin. Code DOC § 310.16(2) authorizes inmate complaint review system staff to reveal the identity and nature of inmate complaints to respond to litigation. The defendants did not violate a court order to wait to engage in discovery by doing their own internal investigation. The documents at issue were in their possession, and they can investigate in order to defend themselves against this lawsuit. The court denies Daniels's motion.

IT IS THEREFORE ORDERED that Daniels's motion for order (ECF No. 17) is **DENIED**.

Dated at Milwaukee, Wisconsin this 13th day of March, 2019.


WILLIAM E. DUFFIN
U.S. Magistrate Judge